

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

CASE NO. 5-05-53567

JAMES MORAN and
CHRISTINE MORAN

Debtors.

CHAPTER 13

JAMES MORAN and
CHRISTINE MORAN

Movant

vs.

AFNI, INC.

Respondent

ADV. NO. 5:07:

**COMPLAINT TO RECOVER DAMAGES FOR VIOLATION
OF THE AUTOMATIC STAY**


AND NOW COMES the Movant/Debtors, James and Christine Moran, by and through their attorney, Tullio DeLuca, Esquire, and makes this Complaint for Damages for Violation of the Automatic Stay and, in support thereof, avers as follows:

1. Debtors filed their chapter 13 voluntary petition on June, 24 2005.
2. On, August 11 2005, AFNI, INC., was served by electronic transmission the Notice of 341 Meeting. A copy of the Certificate of Mailing of 341 Meeting Notice is attached hereto and made a part hereof, and marked Exhibit "A".
3. Subsequent to being notified of the filing of the chapter 7 bankruptcy, on or about August 16, 2007, AFNI forwarded collection notice to the Debtor. Said notice is attached hereto, made a part hereof, and marked Exhibit "B".
4. Based on the foregoing facts and the Exhibits attached hereto and made a part hereof, AFNI, INC' conduct is in violation of the automatic stay, 11 U.S.C. Section 362.

WHEREFORE, Debtors, James and Christine Moran, request the following relief:

1. An order adjudging AFNI, INC. in civil contempt for violation of the automatic stay provisions of Section 362 of the Bankruptcy Code.
2. An order awarding debtors damages, including punitive damages for AFNI, INC's continued and repeated violations of the automatic stay, along with costs and attorney's fees incurred as a result of the violations of the automatic stay by AFNI, INC.
3. Such other and further relief as the court may deem appropriate.

Respectfully submitted,



Tullio DeLuca, Esquire
Attorney I.D. 59887
Attorney for Debtors
381 N. 9th Street
Scranton, Pennsylvania 18504
570-347-7764

Dated this 12th day of October 2007.

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

The debtor(s) listed below filed a Chapter 13 bankruptcy case on 6/24/05.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.

NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

James T. Moran Sr.
aka James Thomas Moran, aka James Moran
917 Ferdinand Street
Scranton, PA 18508

Christine L. Moran
aka Christine Moran, aka Christine Louise Moran
917 Ferdinand Street
Scranton, PA 18508

Case Number:
5:05-bk-53567-JJT

Social Security/Taxpayer ID Nos.:
xxx-xx-1635
xxx-xx-1369

Attorney for Debtor(s) (name and address):
Tullio DeLuca
321 Spruce Street
Suite 705A, Bank Towers Building
Scranton, PA 18503
Telephone number: 570 347-7764

Bankruptcy Trustee (name and address):
Charles J. DeHart, III (Trustee)
PO Box 410
Hummelstown, PA 17036
Telephone number: 717 566-6097

Meeting of Creditors:

Effective February 1, 2002, all individual debtors must provide picture identification and proof of social security number to the trustee at the meeting of creditors.

Date: **September 12, 2005**

Time: **12:00 PM**

Location: **Genetti Hotel, 77 East Market Street, Wilkes-Barre, PA**

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim PROOF OF CLAIM FORM IS INCLUDED.

All creditors who file proof of claim **MUST** serve a true copy of said claim upon the Chapter 13 Trustee whose name and address appear above.

For all creditors (except a governmental unit): **12/11/05**
For a governmental unit: **180 DAYS FROM ORDER GRANTING RELIEF**

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Filing of Proposed Plan, Objections to the Plan:

Objections to the plan must be filed within 120 days from the first date set for 341(a) meeting stated above. A copy of the proposed plan (or summary of the plan) is included. Any objections filed to the plan that are not settled will be set for hearing. If no objections are filed, the court may enter an order confirming the plan.

Creditors May Not Take Certain Actions:

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property, and certain codebtors. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

Address of the Bankruptcy Clerk's Office:
U.S. Bankruptcy Court
274 Max Rosenn U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701
Telephone number: 570-826-6450

For the Court:

Clerk of the Bankruptcy Court:
Arlene Byers

Hours Open: Monday - Friday 8:00 AM - 5:00 PM

Date: 8/11/05

Exhibit "A"

Enterprise Systems Incorporated
11487 Sunset Hills Road
Reston, Virginia 20190-5234

CERTIFICATE OF SERVICE

District/off: 0314-S
Case: 05-53567

User: PHartman
Form ID: B9I

Page 1 of 1
Total Served: 27

Date Rcvd: Aug 11, 2005

The following entities were served by first class mail on Aug 13, 2005.

db +James T. Moran, Sr., 917 Ferdinand Street, Scranton, PA 18508-1719
jdb +Christine L. Moran, 917 Ferdinand Street, Scranton, PA 18508-1719
aty +Heidi R. Spivak, Uden Law Offices PC, 111 Woodcrest Road, Suite 200,
Cherry Hill, NJ 08003-3620
tr +Charles J. DeHart, III (Trustee), PO Box 410, Hummelstown, PA 17036-0410
2318263 +CBCS 70, 821 Pre Empton Road, Bldg. 100, Geneva, NY 14456-2061
2318264 +City of Scranton-Treasurer, Attn: Refuse Dept., P.O. Box 1469, Scranton, Pa 18501-1469
2318265 +Collector of Taxes, 135 Jefferson Ave., Scranton, PA 18503-1716
2318266 +Community Medical Center, P.O. Box 941, Scranton, Pa 18501-0941
2318267 +Computer Credit, Inc., Claim Dept., 82690, 640 W. Fourth St., P.O. Box 5138,
Winson-Salem, NC 27113-5238
2301412 +Deutsche Bank Trust Company Americas, c/o Fidelity Natl Foreclosure & Bankrupt,
1270 Northland Drive, Suite 200, Mendota Heights, MN 55120-1176
2318268 +Geisinger Clinic, PO Box 828560, Philadelphia, PA 19182-0001
2318269 +Geisinger Health System, Danville, PA 17822-0001
2318270 +Geisinger Medical Center, 100 North Academy Ave., Danville, PA 17822-0001
2318271 +Homecomings Financial, P.O. Box 890036, Dallas, TX 75389-0036
2292650 +Lackawanna County Tax Claim Bureau, 200 Adams Avenue, Scranton, PA 18503-1607
2318272 +Mercy Hospital, 746 Jefferson Ave., Scranton, Pa 18510-1697
2318273 +Moses Taylor Hospital, 700 Quincy Ave., Scranton, Pa 18510-1798
2318274 +Northeast Anesthesiology, Inc., PO Box 390, Scranton, PA 18501-0390
2318276 +PG Energy, One PEI Center, Wilkes-Barre, PA 18711-0602
2318277 +PP & L, Inc., 827 Hausman Road, Allentown, Pa 18104-9392
2318275 +Pennsylvania American Water, PO Box 578, Alton, IL 62002-0578
2318278 +Scranton Ortho Special/CS, 231 Northern Blvd., Clarks Summit, PA 18411-9189
2318279 +Scranton Sewer Authority, 307 N. Washington Ave., Scranton, PA 18503-1501
2292130 +Wells Fargo Financial Pennsylvania, Inc., 4137 121st Street, Urbandale, IA 50323-2310

The following entities were served by electronic transmission on Aug 11, 2005 and receipt of the transmission was confirmed on:

aty +Fax: 570-347-7763 Aug 11 2005 21:10:12 Tullio DeLuca, 321 Spruce Street,
Suite 705A, Bank Towers Building, Scranton, PA 18503-1400
2318262 +EDI: CAPITALONE.COM Aug 11 2005 16:12:00 Capital One Services, P.O. Box 85015,
Richmond, VA 23285-5015
2318280 +EDI: APNIVERIZONE.COM Aug 11 2005 16:12:00 Verizon, P.O. Box 28000,
Lehigh Valley, Pa 18002-8000

TOTAL: 3

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr Deutsche Bank Trust Company Americas f/k/a Banker

TOTALS: 1, * 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 13, 2005

Signature:



Afni, Inc.
PO Box 3427
Bloomington, IL 61702-3427
(877)497-9050
www.afnicollections.com

COLLECTION NOTICE

This account has been acquired by our agency for collection. We believe it is in your best interest to resolve this account.

If you have any questions, please contact our office toll free at (877)497-9050 Monday through Friday 7am-9pm CST. For proper credit on your account, please write this number 018056840-02 on your payment.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of the debt or any portion thereof, this office will: obtain verification of the debt or obtain a copy of a judgement and mail you a copy of such judgement or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt. Any information obtained will be used for the purpose. You have the right to inspect your credit. This letter is from a debt collector.

Please see reverse side of this notice for our Privacy Statement and credit card payment options.

To manage your account online, visit us at : www.afnicollections.com

This account is for a remaining balance from the original creditor for services associated with the previous telephone number listed below.

Please retain this information for your records

Afni, Inc. Account #	Balance Due	Original Creditor	Disconnected Phone #	Date
018056840-02	\$900.00	Verizon Pennsylvania Inc.	(570)341-9042	8/16/2007

Detach along perforation and return bottom portion along with payment in the enclosed envelope. Credit card payment options are on the back of notice.



For proper credit, please include your Afni account # listed below on your check



AFNFI-0618N230755-QWSP-2 755

Department 555
PO BOX 4115
CONCORD CA 94524



ADDRESS SERVICE REQUESTED

#BWNFTZF #AFN7476224607081#



Christine L Moran
917 FERDINAND ST
SCRANTON PA 18508-1719

Afni, Inc. Account #: 018056840-02
Original Creditor: Verizon Pennsylvania Inc.
Disconnected Phone #: (570)341-9042
Balance Due: \$900.00
Date: 8/16/2007
Toll Free: (877)497-9050

6 02018056840 991400 90000

PO Box 3427
Bloomington, IL 61702-3427

